

By: Turner of Dallas

H.B. No. 3334

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a criminal justice system sentencing database
3 established by the Office of Court Administration of the Texas
4 Judicial System.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 72, Government Code, is amended by
7 adding Subchapter H to read as follows:

8 SUBCHAPTER H. CRIMINAL JUSTICE SYSTEM SENTENCING DATABASE

9 Sec. 72.201. DEFINITION. In this subchapter, "database"
10 means the criminal justice system sentencing database maintained
11 under this subchapter.

12 Sec. 72.202. DATABASE. (a) The office shall create and
13 maintain a database to collect, compile, and analyze data regarding
14 the sentencing of defendants.

15 (b) The office shall compile data that includes, with
16 respect to each defendant:

17 (1) the defendant's age, zip code of primary
18 residence, and indigence status at the time of the alleged offense;

19 (2) the defendant's race, ethnicity, and gender;

20 (3) the offenses, including the category of each
21 offense, for which the defendant was sentenced;

22 (4) the provision of law under which the defendant was
23 sentenced;

24 (5) the date on which the offense occurred and the date

1 of the defendant's sentencing for that offense;
2 (6) the court and presiding judge before which the
3 sentencing took place;
4 (7) the length of any term of imprisonment to which the
5 defendant was sentenced, including any period of probation or
6 community supervision;
7 (8) any court fees, fines, or amounts of restitution
8 assessed or ordered and the amount of each;
9 (9) any dismissed or downgraded charges;
10 (10) any cash bail or bond payments, including whether
11 the defendant used an agent to execute the bail bond on behalf of a
12 corporation acting as surety;
13 (11) the amount of time the defendant served in
14 confinement for the offense that is credited to the defendant to
15 reduce the defendant's actual length of time in confinement the
16 defendant is required to serve following the disposition of the
17 case;
18 (12) whether the defendant was offered or required to
19 attend a diversionary or treatment program, and if so, which
20 program;
21 (13) whether the defendant pleaded guilty, not guilty,
22 or nolo contendere;
23 (14) any plea bargain agreement negotiations,
24 including:
25 (A) any plea bargain offer extended to a
26 defendant and whether the defendant accepted or rejected the offer;
27 and

1 (B) any plea bargain agreement approved or
2 rejected by the court;

3 (15) whether punishment is assessed by the jury, and
4 if so, the jury's recommended sentence;

5 (16) if the defendant was convicted following trial,
6 whether the trial was a bench or jury trial;

7 (17) whether the defendant was represented by a
8 private attorney or a court-appointed attorney or waived the right
9 to representation;

10 (18) the category of correctional facility at which
11 the defendant will serve confinement, if applicable; and

12 (19) if the offense was a drug offense, the identity
13 and amount of controlled substance for which the defendant was
14 convicted.

15 Sec. 72.203. SUBMISSION OF INFORMATION BY COURTS. The
16 clerk of each court in this state shall submit to the office, within
17 the time period prescribed by the office, a written record of the
18 data required under Section 72.202, with respect to defendants
19 sentenced in that court.

20 Sec. 72.204. PUBLISHED INFORMATION. (a) The office shall
21 publish deidentified sentencing data from the information in the
22 database on the office's Internet website in a modern, open,
23 electronic format that is machine-readable and readily accessible
24 by the public, free of charge. The office shall update the
25 information on the Internet website on a monthly basis.

26 (b) The sentencing data must be searchable by:

27 (1) each data element described by Section 72.202(b);

1 and

2 (2) the district, county, and circuit in which a court
3 is located.

4 (c) The data published on the office's Internet website may
5 not disclose the name or identifying information of a defendant.

6 Sec. 72.205. REPORT. Not later than September 1 of each
7 even-numbered year, the office shall submit a report to the
8 governor and the legislature regarding the data compiled in the
9 database.

10 Sec. 72.206. RULES. The office may adopt rules as necessary
11 to implement this subchapter.

12 SECTION 2. The Office of Court Administration of the Texas
13 Judicial System shall create the database described by Subchapter
14 H, Chapter 72, Government Code, as added by this Act, as soon as
15 practicable after the effective date of this Act.

16 SECTION 3. A court is not required to submit information to
17 the Office of Court Administration of the Texas Judicial System
18 under Section 72.203, Government Code, as added by this Act,
19 regarding any sentencing that occurred before September 1, 2021.

20 SECTION 4. The Office of Court Administration of the Texas
21 Judicial System shall begin publishing sentencing data under
22 Section 72.204, Government Code, as added by this Act, on the
23 office's Internet website not later than January 1, 2022.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2021.